

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1897 of 1999

For Approval and Signature:

THE HON'BLE MR.JUSTICE A.M.KAPADIA

=====

- | | |
|---|---|
| 1 | Whether Reporters of Local Papers may be allowed to see the judgment ? |
| 2 | To be referred to the Reporter or not ? |
| 3 | Whether their Lordships wish to see the fair copy of the judgment ? |
| 4 | Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ? |
| 5 | Whether it is to be circulated to the civil judge ? |

=====

RAVJIBHAI BECHARBHAI - Petitioner(s)

Versus

VIJYABEN HARJIBHAI VEPARIA &3 - Respondent(s)

=====

Appearance :

MR. D.D.VAIDYA for NANA VATY ADVOCATES for Petitioner No(s).: 1.

MR KL DAVE for Respondent No(s).: 1,3.

RULE NOT RECD BACK for Respondent No(s).: 2.

=====

Date : 27/06/2005

ORAL JUDGMENT

- 1.By filing instant petition under Section 115 of the Code of Civil Procedure, the petitioner seeks to challenge the order dated 26.10.1999 rendered in Civil Misc. Application No. 30 of 1997 by the learned Civil Judge (SD), Veraval by which the application filed by respondent No.1 to restore the Special Civil Suit – Old No. 176 of 1983 (new No. 147 of 1989), which stood dismissed for default, came to be granted and thereby the said Suit is ordered to be restored to its original file.
- 2.Having heard Mr. D.D.Vaidya, learned advocate for Nanavaty Advocates and Mr. K.L.Dave, learned advocate of the Opponent Nos. 1 and 3 and perusal of the impugned order, it is seen that there was a genuine reason for respondent No.1 to remain absent on account of the sickness of her mother-in-law who has died subsequently and therefore learned trial Judge has very rightly restored the Suit which stood dismissed for default.
- 3.For the foregoing reasons, no interference is called for in the impugned order, therefore this Civil Revision Application lacks merit and deserves to be rejected.
- 4.For the foregoing reasons, Civil Revision Application fails and accordingly it is rejected with no order as to costs. Rule is discharged. Interim relief granted earlier stands vacated.

(A.M.Kapadia, J)

Jayanti*